IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 961 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JAYANTLAL MAGANBHAI PATEL

Versus

UNION OF INDIA

Appearance:

MR SUNIL C PATEL for Petitioner

MS PAURAMI SHETH FOR MR AKSHAY H MEHTA for Respondent No. 1

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 14/03/2001

ORAL JUDGEMENT

Rule. Ms. Paunami Sheth for Mr. Akshay Mehta learned Sr. Central Government Counsel for the respondent, waives service of Rule on behalf of the respondent.

2. By means of this petition, the petitioner has prayed for issuning directions to the respondent

authority to incorporate change in the passport in column of date of birth on the basis of the document Annexure-B as "16/06/1942" in place of "10/06/1946" and to issue a correct copy of the passport to the petitioner.

3. Learned counsel for the petitioner submits that a wrong entry has been made due to bona-fide mistake. The date of birth mentioned is 16/06/1946. While correct date of birth of the petitioner is 16-6-1942 as certified by the Talati-cum-Mantri.

4. Learned counsel for the petitioner submitted that the petitioner has moved an application for correction of his date of birth in the passport but the respondent authority says that they have no power to change the date of birth in the passport unless some directions are given by the Court concerned and hence no order has been passed by the authority concerned on the application made by the petitioner. He relied on the decision of this Court dated 1-2-2001 rendered in Special Civil Application No.720 of 2001, wherein the Regional Passport Officer concerned was directed to consider the petitioner's request for change of birth date in the passport in accordance with law on the basis of the material which may be pleased before him. The respondent authority was also directed to pass appropriate orders within a period of one month from the date of receipt of writ of this Court or a certified copy of this judgment, whichever is earlier. In case, the petitioner is required to apply for a fresh passport, the petitioner shall comply with the requisite formalities for the same.

5. In the facts and circumstances, this petition is allowed and the respondent authority is directed to pass appropriate order regarding the petitioner's request for the change of his date of birth in the passport in accordance with law within a period of one month from the date of receipt of writ of this Court or a certified copy of this order whichever is earlier. In case, the petitioner is required to apply for a fresh passport, the petitioner shall comply with the requisite formalities for the same.

6. The respondent authority would be at liberty to pass appropriate order regarding cost of the application. Rule is made absolute.

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/JVSatwara/